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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,850	06/14/2006	Bertram Cezanne	MERCK-3185	6766
23599	7590	01/11/2010	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			JARRELL, NOBLE E	
			ART UNIT	PAPER NUMBER
			1624	
			NOTIFICATION DATE	DELIVERY MODE
			01/11/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mwzb.com

Office Action Summary	Application No.	Applicant(s)	
	10/582,850	CEZANNE ET AL.	
	Examiner	Art Unit	
	NOBLE JARRELL	1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13, 15-26, 28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-13, 15-26, 28 and 30-38 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

- I. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-13, 15-19, 22-23, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is piperidine, compositions comprising the same, and a method (inhibiting factor Xa) of using the same.

Group II, claim(s) 1-13, 15-19, 22-23, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is morpholine, compositions comprising the same, and a method (inhibiting factor Xa) of using the same.

Group III, claim(s) 1-13, 15-19, 22-23, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is phenyl, compositions comprising the same, and a method (inhibiting factor Xa) of using the same.

Group IV, claim(s) 1-13, 15-19, 22-23, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is piperazine, compositions comprising the same, and a method (inhibiting factor Xa) of using the same.

Group V, claim(s) 1-13, 15-20, 22, 23, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is a mono- or bicyclic aromatic carbo- or heterocycle having 0 to 4 N, O, and/or S atoms (but cannot be phenyl) and variable T is a mono- or bicyclic saturated, unsaturated or aromatic carbo- or heterocycle having 0 to 4 N, O, and S atoms (but not be piperidine, morpholine, phenyl, or piperazine), compositions comprising the same, and a method (inhibiting factor Xa) of using the same.

Group VI, claim(s) 1-13, 15-19, 22, 24, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is piperidine, compositions comprising the same, and a method (inhibiting factor VIIa) of using the same.

Group VII, claim(s) 1-13, 15-19, 22, 24, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is morpholine, compositions comprising the same, and a method (inhibiting factor VIIa) of using the same.

Group VIII, claim(s) 1-13, 15-19, 22-23, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is phenyl, compositions comprising the same, and a method (inhibiting factor VIIa) of using the same.

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Group IX, claim(s) 1-13, 15-19, 22, 24, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is piperazine, compositions comprising the same, and a method (inhibiting factor VIIa) of using the same.

Group X, claim(s) 1-13, 15-20, 22, 24, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is a mono- or bicyclic aromatic carbo- or heterocycle having 0 to 4 N, O, and/or S atoms (but cannot be phenyl) and variable T is a mono- or bicyclic saturated, unsaturated or aromatic carbo- or heterocycle having 0 to 4 N, O, and S atoms (but not be piperidine, morpholine, phenyl, or piperazine), compositions comprising the same, and a method (inhibiting factor VIIa) of using the same.

Group XI, claim(s) 1-13, 15-19, 22, 25, 26, 28, 30, 31, and 34-38, drawn to compounds of formula I in which variable D is phenyl and variable T is piperidine, compositions comprising the same, and a method (treating thrombosis) of using the same.

Group XII, claim(s) 1-13, 15-19, 22, 25, 26, 28, 30, 31, and 34-38, drawn to compounds of formula I in which variable D is phenyl and variable T is morpholine, compositions comprising the same, and a method (treating thrombosis) of using the same.

Group XIII, claim(s) 1-13, 15-19, 22, 25, 26, 28, 30, 31, and 34-38, drawn to compounds of formula I in which variable D is phenyl and variable T is phenyl, compositions comprising the same, and a method (treating thrombosis) of using the same.

Group XIV, claim(s) 1-13, 15-19, 22, 24, 25, 26, 28, 30, 31, and 34-37, drawn to compounds of formula I in which variable D is phenyl and variable T is piperazine, compositions comprising the same, and a method (treating thrombosis) of using the same.

Group XV, claim(s) 1-13, 15-20, 22, 25, 26, 28, 30, 31, and 34-38, drawn to compounds of formula I in which variable D is a mono- or bicyclic aromatic carbo- or heterocycle having 0 to 4 N, O, and/or S atoms (but cannot be phenyl) and variable T is a mono- or bicyclic saturated, unsaturated or aromatic carbo- or heterocycle having 0 to 4 N, O, and S atoms (but not be piperidine, morpholine, phenyl, or piperazine), compositions comprising the same, and a method (treating thrombosis) of using the same.

2. The inventions listed as Groups I-XV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: ComGenex (published 26 June 2003, citation 017 of 14 June 2006 IDS) teaches a compound with Registry number 330161-52-9. In this compound, variable D is 4-chlorophenyl, Y is O, R³ is H, R¹ is isopropyl, Z is ethylene, E is CH, Q is a bond, and T is benzimidazole.

3. Applicant is required, in reply to this action, to elect a single species (for searching purposes only) to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added.

An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOBLE JARRELL whose telephone number is (571)272-9077. The examiner can normally be reached on M-F 7:30 A.M - 6:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Noble Jarrell/
Examiner, Art Unit 1624